

ADVISORY OPINION 93-010

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

July 19, 1993

Mr. Tom Garrett
1600 Kentucky Avenue
Paducah, Kentucky 42001

Dear Mr. Garrett:

Thank you for contacting the Registry. The facts of your question may be stated as follows:

You represent a corporation incorporated and doing business solely in the Commonwealth of Kentucky. As such, the corporation would like to make political contributions to candidates running for office in the state of Illinois.

The corporation you represent also maintains a permanent committee ("PAC") that is registered with the Kentucky Registry of Election Finance.

Your question is two part and may be stated as follows:

1. May the above corporation contribute directly to political campaigns in the state of Illinois? and
2. May the above corporation's PAC make contributions to candidates for office in the state of Illinois?

The answer to the first part of your question is no. KRS 121.035(2), as opposed to KRS 121.025, speaks directly to this question by prohibiting any "corporation organized or authorized to do business in this state...from making a contribution for the purpose of aiding, assisting or advancing any candidate for public office in any way whatever." Id. (Emphasis added.)

The answer to the second part of the question is yes, with some qualifications. The PAC referred to in your question obviously would have to comply with any laws in the state of Illinois regarding political action committees. Also, so the above PAC would show a "balanced" report, the Registry requires the PAC to report expenditures in other states. You may contact Peggy Rayborn, who is an Administrator at the Registry, on reporting details if you decide to follow this course of action. Again, let me emphasize that the above PAC might have other requirements with which to comply in the state of Illinois or any other state it chooses to operate in.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt